IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3926 of 2007()

[CRIME NO.175/2007 OF PAZHAYANOOR POLICE STATION, THRIRSSUR DISTRICT]

PETITIONER

SUNIL.P., S/O.GOVINDHANKUTTY NAIR,
AGED 53 YEARS, GOPIKA BHAVAN, KANIYAROODE PO,
THIRUVILLAMALA, TRISSUR DISTRICT.

BY ADV. SRI.JOHNSON P.JOHN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
PAZHAYANOOR POLICE STATION, TRISSUR DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3926 of 2007

Dated this the 29th day of June 2007

O R D E R

Application for anticipatory bail. The defacto complainant is a police constable, who was on duty in connection with the Pooram festival of a temple. Four named persons allegedly had attacked the defacto complainant. Crime was registered against four specified persons inter alia under Section 353 I.P.C. which is the only non-bailable offence alleged. The petitioner is not one of those four named accused persons. In the course of investigation, the police have deleted accused 3 and 4 and have filed a report incorporating two others including the petitioner as accused. The petitioner apprehends imminent arrest. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. False allegations are being raised against the petitioner without any justification. In these circumstances, at any rate, directions under Section 438 Cr.P.C may be issued in favour of the petitioner, he prays.

2. The learned Public Prosecutor submits that the report to array the petitioner as an accused has already been filed before the learned Magistrate. Investigation is complete and the final report has also been filed, it is further submitted. In the peculiar facts and circumstances of this case and there is no serious objection from the learned Public Prosecutor, the petitioner can be granted anticipatory bail subject to appropriate terms and conditions.

3. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 07/07/2007.

ii) He shall be released on regular bail on condition that he execute bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on 09/07/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law, as if these directions were not issued at all.

(v) If he was arrested prior to 07/07/2007, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 07/07/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007